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7 RYLEE JOHNSON, individually; and  
8 SIOBHAN JOHNSON, individually;

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10 Plaintiffs,

11 v.

12 WASHOE COUNTY SCHOOL DISTRICT, a  
13 political subdivision of the State of Nevada;  
14 KATY UPTON, individually, and in her official  
15 capacity; JASON URMSTON, individually, and  
16 in his official capacity; TAMMY HART,  
17 individually, and in her official capacity; and  
WENDY HAWKINS, individually, and in her  
official capacity; SEAN HALL, individually, and  
in his official capacity, DOES I-X,

18 Defendants.

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20 Case No.: 3:22-cv-00520-LRH-CLB

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28 **ORDER GRANTING**

**STIPULATION TO STAY  
DISCOVERY**

**(FIRST REQUEST)**

Plaintiffs Rylee Johnson and Siobhan Johnson (“Plaintiffs”) and Defendants Washoe County School District (“WCSD” or the “District”), Jason Urmston, Tammy Hart, Wendy Hawkins, Sean Hall and Katy Upton (collectively, with Plaintiff, the “Parties”), by and through their respective counsel of record, hereby stipulate and agree, pursuant to Civil Local Rule IA 6-2 and 7-1, as follows:

1. The Parties stipulate that discovery in this matter be stayed until a ruling on  
Defendant Washoe County School District, Jason Urmston, Tammy Hart, Wendy Hawkins,

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1 and Sean Hall's (collectively referred to as "District Defendants") Motion to Dismiss First  
2 Amended Complaint [Docket No.16] has been filed.

3 2. On February 21, 2023, Plaintiffs filed their First Amended Complaint [Docket  
4 No. 4].

5 3. On April 10, 2023, the District Defendants filed their Motion to Dismiss First  
6 Amended Complaint [Docket No. 16] seeking to dismiss all of Plaintiffs' claims against the  
7 District Defendants as a matter of law. If granted in its entirety, the only remaining claims  
8 would be against Defendant Katy Upton.

9 4. Also on April 10, 2023, Defendant Upton filed her Answer to Plaintiffs' First  
10 Amended Complaint [Docket No. 17], Demand for Jury Trial [Docket No. 18] and Certificate  
11 of Interested Parties [Docket No. 19].

12 5. The Parties filed a Stipulation and Order to Extend Deadlines for Plaintiffs to  
13 File their Opposition to the District Defendants' Motions to Dismiss and to Extend the  
14 Deadlines for the District Defendants to file their Reply in Support of their Motion to Dismiss  
15 [Docket No. 22]. On April 17, 2023, the Court issued an Order Granting the Parties'  
16 Stipulation to Extend their Deadlines [Docket No. 23].

17 6. On May 8, 2023, Plaintiffs filed their Opposition to the District Defendants'  
18 Motion to Dismiss First Amended Complaint [Docket No. 26].

19 7. The District Defendants' Reply in Support of their Motion to Dismiss First  
20 Amended Complaint is due on or before May 29, 2023.

21 8. The Parties agree it is in the best interest of all Parties to await the Court's  
22 ruling on the District Defendants' Motion to Dismiss First Amended Complaint [Docket No.  
23 16] prior to setting discovery deadlines and incurring the time and expense of written  
24 discovery and depositions, in the event the Court dismisses the claims against the District  
25 Defendants in whole or in part.

26 9. As the Ninth Circuit has confirmed, "[t]he purpose of F.R.Civ.P. 12(b)(6) is to  
27 enable defendants to challenge the legal sufficiency of complaints without subjecting  
28 themselves to discovery." *Rutman Wine Co. v. E. & J. Gallo Winery*, 829 F.2d 729, 738 (9th

1 Cir. 1987). Likewise, a district courts has “wide discretion in controlling discovery.” *Little v.*  
 2 *City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988); *see also* Fed. R. Civ. P. 26(d)(1) (describing  
 3 the court’s ability to limit the scope of discovery). Ultimately, when deciding whether to  
 4 grant a stay of discovery, a court is guided by the objectives of Federal Rule of Civil Procedure  
 5 that ensures a “just, speedy, and inexpensive determination of every action.” *Schrader v.*  
 6 *Wynn Las Vegas, LLC*, 2021 WL 4810324, \*3 (D. Nev. Oct. 14, 2021) (quoting Fed. R. Civ.  
 7 P. 1); *see also* *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011) (explaining  
 8 that courts evaluating the propriety of a stay have cautioned against the use of resources that  
 9 may be rendered unnecessary, noting the simple, but accurate principle: “Discovery is  
 10 expensive”).

11       10. The Parties are in agreement that discovery is not required for the Court to  
 12 decide the District Defendants’ Motions to Dismiss. Because the Court’s ruling could  
 13 potentially result in dismissal of some or all of the District Defendants, it would be an  
 14 inefficient use of resources to engage in discovery prior to the Court’s ruling. *See Sibley v.*  
 15 *U.S. Sup. Ct.*, 786 F. Supp. 2d 338, 346 (D.D.C. 2011) (“[I]t is well settled that discovery is  
 16 generally considered inappropriate while a motion that would be thoroughly dispositive of the  
 17 claims in the Complaint is pending.”). As such, it is within the Court’s power to grant a stay  
 18 of discovery at this time.

19       11. The District Defendants’ pending Motion to Dismiss, if granted, may dispose  
 20 of the claims against the District Defendants in whole or in part. Accordingly, the Parties,  
 21 after consultation with one another, have determined it would be in the best interest of each  
 22 respective side to request that this Court grant a stay of discovery until the Court renders a  
 23 decision on the District Defendants’ pending Motion to Dismiss.

24       12. It is respectfully submitted that none of the Parties believe this delay will cause  
 25 harm to their ability to conduct discovery in this matter, nor will it cause either side to be in a  
 26 worse position.

27       13. The Parties believe that, by not expending more funds or time until the Motion  
 28 to Dismiss is resolved, the Parties have put themselves in the best position possible to preserve

1 resources and protect their respective funds. The interests of litigation efficiency and judicial  
2 economy are also promoted by a stay of discovery.

3 14. The Parties further stipulate to delay submission of the stipulated discovery  
4 plan and discovery order for thirty (30) days after this Court files its decision on the District  
5 Defendants' pending Motion to Dismiss First Amended Complaint [Docket No.16].

6 **IT IS SO STIPULATED.**

7 DATED this 22nd day of May, 2023.

8 **THE BACH LAW FIRM, LLC**

9 By: /s/ Jason J. Bach

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15 Attorney for Plaintiffs

DATED this 22nd day of May, 2023.

**WASHOE COUNTY SCHOOL DISTRICT  
OFFICE OF THE GENERAL COUNSEL**

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Attorneys for District Defendants

16 DATED this 22nd day of May, 2023.

17 **THORNDAL ARMSTRONG PC**

18 By: /s/ Katherine F. Parks

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23 **ORDER**

24 **IT IS SO ORDERED.**

25 DATED: May 22, 2023

26   
27 U.S. DISTRICT MAGISTRATE JUDGE